

## REMARKS

The Office Action of January 12, 2005 has been received and carefully reviewed. It is submitted that, by this Communication, all bases of rejection and objection are traversed and overcome. Upon entry of this Communication, claims 1-5 remain in the application. New claims 6-13 have been added in order to set forth additional specific embodiments of Applicants' invention. Reconsideration of the claims is respectfully requested.

The Examiner requests that this Communication should update the status of the parent case on page 1, line 5, if appropriate. This paragraph has been amended to reflect that the parent case is still currently pending.

Claims 1-5 were rejected under 35 U.S.C. § 102(b) in view of DE 10102604 (element "19"), or EP 1,273,789 (element "11"), or Sakakibara et al. (2002/0029693) (chamber "19"), or Hansen (3,678,663) (element "44").

Applicants respectfully point out that element "11" of EP 1,273,789 is an opening or intake conduit and therefore does not anticipate Applicants' "air filter assembly" as defined in amended claim 1.

Further, Applicants have amended claim 1 to recite that the "hydrocarbon filter element" is "positioned above or beside a direct fluid flow path between said inlet and said outlet." Support for this amendment may be found in Applicants' Figures 1 and 2 as filed, and in the specification as filed at page 4, line 22 to page 5, line 8.

Applicants direct the Examiner's attention to Sakakibara '693 at paragraphs 52 and 53, which state:

Since the evaporated fuel is normally heavier than air, the evaporated fuel flows on the lower side in the intake air passage portion 11 and the air flows on the upper side when the gas containing the evaporated fuel passes through the inner portion of the intake air passage portion 11 in the manner mentioned above. Accordingly, the evaporated fuel is mainly adsorbed and collected in the adsorbent layer 23 which is positioned in an area **lower than a center of the intake air passage portion 11.**

Thus, by arranging the adsorbent layer 23 **only in the portion positioned at the substantially lower half portion of the intake air passage portion 11** as shown in FIGS. 3A and 3B, it is possible to sufficiently collect the evaporated fuel and prevent the adsorbent from being wastefully used, so that it is possible to reduce a cost and a weight of the adsorbing device 10. (Emphasis added)

DE 10102604 and U.S. Patent 3,678,663 fail to teach or disclose hydrocarbon filters either "above or beside a direct air flow path" as now claimed.

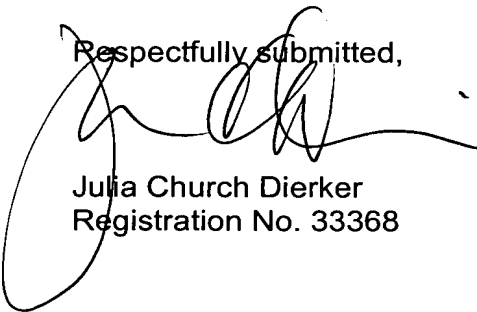
As is evident from the references, none of the cited references teach or suggest that the hydrocarbon filter element be placed above or beside the direct air flow path. As such, Applicants respectfully submit that their invention as defined in claims 1-5 is not anticipated, taught or rendered obvious by the cited references, either alone or in combination, and patentably defines over the art of record.

Claims 3 and 5 were amended to correct minor typographical errors and claim 3 was amended to provide proper antecedence for "air filter housing".

New claims 6-13 have been added in order to set forth additional specific embodiments of Applicants' invention. Support for these claims may be found in figures 1 through 3 and throughout the specification as filed.

In summary, claims 1-5 remain in the application. New claims 6-13 have been added. It is submitted that, through this communication, Applicants' invention as set forth in these claims is now in a condition suitable for allowance. Further and favorable consideration is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Julia Church Dierker", is written over the typed name and registration number.

Julia Church Dierker  
Registration No. 33368

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JCD/JRO/jro